UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL JOHNSON

Plaintiff,

Case No. 1:16-cv-503

v.

HON. PAUL L. MALONEY

SOLUTIONS TO PORTFOLIOS, LLC,)
d/b/a/ STP MANAGEMENT GROUP,)
ACDI GROUP, LLC,)
ANTHONY JOSEPH SWATSWORTH,)
M&L ASSOCIATES LLC,)
MONIQUE NICOLE JENKINS, a/k/a)
MONIQUE NICOLE BARLEY AND)
LEMANUEL MILTON JENKINS II,)
)
Defendants.)
)
____________________________________/)

ANSWER TO PLAINTIFF'S COMPLAINT

NOW COME SOLUTIONS TO PORTFOLIOS, LLC, d/b/a STP MANAGEMENT GROUP, ACDI GROUP, LLC, and ANTHONY SWATSWORTH, and for their Answer to Plaintiff's Complaint, states as follows:

1. The allegations contained in paragraph 1 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

2. The allegations contained in paragraph 2 are DENIED.

3. The allegations contained in paragraph 3 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

4. The allegations contained in paragraph 4 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

5. The allegations contained in paragraph 5 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

6. The allegations contained in paragraph 6 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

7. Admitted upon information and belief, Plaintiff is a resident of Kent County, Michigan. DENIED as to the remainder of the allegations contained in paragraph 7.

8. Admitted Defendant STP is a duly licensed North Carolina Limited Liability Company doing business, that it does business in Charlotte, North Carolina and the registered agent is Anthony Joseph Swatsworth. It is further admitted that STP does business as STP Management Group and is engaged in the debt collection business and is a "debt collector" as defined by the FDCPA. It is further admitted that as part of the debt collection business, STP regularly collects or attempts to collect, directly, debts owed or due or asserted to be owed or due another. STP further admits it is a "regulated person" as defined and used in MRCPA and is a "collection agency" and "licensee" as the terms are defined and used in MOC. DENIED as to the remainder of the allegations contained in paragraph 8.

9. The allegations contained in paragraph 9 are DENIED.

10. The allegations contained in paragraph 10 are ADMITTED.

11. The allegations contained in paragraph 11 are DENIED.

12. The allegations contained in paragraph 12 are ADMITTED in that STP has purchased delinquent consumer debt portfolios. As to the remainder of the allegations contained in paragraph 12, the documents speak for themselves.

13. Admitted Defendant ACDI is a duly licensed North Carolina Limited Liability Company doing business, that it does business in Charlotte, North Carolina and the registered agent is Anthony Joseph Swatsworth. It is further admitted that ACDI is engaged in the debt collection business and is a "debt collector" as defined by the FDCPA. It is further admitted that as part of the debt collection business, ACDI regularly collects or attempts to collect, directly, debts owed or due or asserted to be owed or due another. ACDI further admits it is a "regulated person" as defined and used in MRCPA and is a "collection agency" and "licensee" as the terms are defined and used in MOC. *DENIED* as to the remainder of the allegations contained in paragraph 13.

14. The allegations contained in paragraph 14 are DENIED.

15. The allegations contained in paragraph 15 are ADMITTED in that ACDI has purchased delinquent consumer debt portfolios. As to the remainder of the allegations contained in paragraph 12, the documents speak for themselves.

16. It is ADMITTED that Defendant Swatsworth is aged 34, is a natural person, and the owner, manager, and agent of Defendants STP and ACDI. The remainder of the allegations contained in paragraph 16 are DENIED.

17. It is ADMITTED that Defendant Swatsworth as the owner, manager, and agent of ACDI and STP implemented policies and procedures in compliance with all local, state, and federal laws for any employees acting on behalf of ACDI and STP. The remainder of the allegations contained in paragraph 17 are DENIED.

18. The allegations contained in paragraph 18 are DENIED.

19. The allegations contained in paragraph 19 are DENIED.

20. No response required. To the extent a response is required, DENIED.

21. No response required. To the extent a response is required, DENIED.

22. No response required. To the extent a response is required, DENIED.

23. No response required. To the extent a response is required, DENIED.

24. No response required. To the extent a response is required, DENIED.

25. No response required. To the extent a response is required, DENIED.

26. No response required. To the extent a response is required, DENIED.

27. No response required. To the extent a response is required, DENIED.

28. No response required. To the extent a response is required, DENIED.

29. No response required. To the extent a response is required, DENIED.

30. No response required. To the extent a response is required, DENIED.

31. No response required. To the extent a response is required, DENIED.

32. It is ADMITTED that Defendant Swatsworth worked for NCO Financial Systems prior to starting STP and ACDI and that Defendant Jenkins was also employed there at some similar point of time. It is further ADMITTED that on one occasion, STP has sold a

delinquent consumer account to Defendant Jenkins. The remainder of the allegations contained in paragraph 32 are DENIED.

33. The allegations contained in paragraph 33 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

34. The allegations contained in paragraph 34 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

35. Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 35. To the extent a response is required, DENIED.

36. Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 36. To the extent a response is required, DENIED.

37. Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 37. To the extent a response is required, DENIED.

38. Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 38 Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 38. To the extent a response is required, DENIED.

39. Defendants STP, ACDI, and Swatworth lack sufficient information to respond to the allegations contained in paragraph 39. To the extent a response is required, DENIED.

40. The allegations contained in paragraph 40 are ADMITTED.

41. The allegations contained in paragraph 41 are ADMITTED.

42. The allegations contained in paragraph 42 are DENIED. Defendant STP sold the debt to M&L Associates, LLC.

43. No response required. To the extent a response is required, DENIED.

44. No response required. To the extent a response is required, DENIED.

45. No response required. To the extent a response is required, DENIED.

46. No response required. To the extent a response is required, DENIED.

47. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

48. Defendants lack sufficient information to respond to this allegation. To the extent a response is required, DENIED.

49. (a) – (j) Defendants lack sufficient information to respond to this allegation. To the extent a response is required, DENIED.

50. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

51. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

52. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

53. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

54. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

55. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

56. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

57. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
58. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
59. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. ADMITTED Defendants STP, ACDI, and Swatsworth have not filed any lawsuit in any Michigan Court to collect any debt from any person.
60. The allegations contained in paragraph 60 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
61. The allegations contained in paragraph 61 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
62. The allegations contained in paragraph 62 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
63. The allegations contained in paragraph 63 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
64. The allegations contained in paragraph 64 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
65. The allegations contained in paragraph 65 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
66. The allegations contained in paragraph 66 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
67. The allegations contained in paragraph 67 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

68. The allegations contained in paragraph 68 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
69. The allegations contained in paragraph 69 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
70. The allegations contained in paragraph 70 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
71. The allegations contained in paragraph 71 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
72. The allegations contained in paragraph 72 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
73. The allegations contained in paragraph 73 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
74. The allegations contained in paragraph 74 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
75. The allegations contained in paragraph 75 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
76. The allegations contained in paragraph 76 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
77. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
78. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

79. The allegations contained in paragraph 79 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
80. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
81. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
82. The allegations contained in paragraph 82 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
83. The allegations contained in paragraph 83 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
84. The allegations contained in paragraph 84 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.
85. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
86. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
87. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
88. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.
89. The allegations contained in paragraph 89 are DENIED.
90. The allegations contained in paragraph 90 are DENIED.
91. The allegations contained in paragraph 91 are DENIED.

92. The allegations contained in paragraph 92 call for a legal conclusion; therefore no response is required. To the extent a response is required, DENIED.

93. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

94. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

V. CLAIMS FOR RELIEF

Count 1: Fair Debt Collection Practices Act

95. Defendants STP, ACDI, and Swatsworth hereby incorporate the foregoing paragraphs by reference.

96. (a) – (f) No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

Wherefore, Defendants STP, ACDI, and Swatsworth hereby pray the Court:

a) Dismiss the Plaintiff's claims with prejudice;

b) Award them costs and reasonable attorney fees incurred in defense of these claims; and

c) Such other further relief as the Court deems just and proper.

Count 2: Michigan Regulation of Collection Practices Act

97. Defendants STP, ACDI, and Swatsworth hereby incorporate the foregoing paragraphs by reference.

98. (a) – (g) No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

Wherefore, Defendants STP, ACDI, and Swatsworth hereby pray the Court:

d) Dismiss the Plaintiff's claims with prejudice;

e) Award them costs and reasonable attorney fees incurred in defense of these claims; and

f) Such other further relief as the Court deems just and proper.

Count 3: Michigan Occupational Code

99. Defendants STP, ACDI, and Swatsworth hereby incorporate the foregoing paragraphs by reference.

100. (a) – (h) No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

Wherefore, Defendants STP, ACDI, and Swatsworth hereby pray the Court:

g) Dismiss the Plaintiff's claims with prejudice;

h) Award them costs and reasonable attorney fees incurred in defense of these claims; and

i) Such other further relief as the Court deems just and proper.

Count 4: Invasion of Privacy

101. Defendants STP, ACDI, and Swatsworth hereby incorporate the foregoing paragraphs by reference.

102. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

103. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

104. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

105. No response required as to Defendants M&L Associates, Jenkins, Barley, and Jenkins II. DENIED as to Defendants STP, ACDI, and Swatsworth.

Wherefore, Defendants STP, ACDI, and Swatsworth hereby pray the Court:

j) Dismiss the Plaintiff's claims with prejudice;

k) Award them costs and reasonable attorney fees incurred in defense of these claims; and

l) Such other further relief as the Court deems just and proper.

Demand for a Trial by Jury

Dated: August 25, 2016

/s/ Renee Sophia Coulter (P64254)
Renee Sophia Coulter (P64254)
Attorney for Defendants Solutions To Porfolios, LLC, d/b/a STP Management Group, ACDI Group, LLC, and Anthony Joseph Swatsworth, Only
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